THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17469 OF 2006

DATED: 23.8.2006

BETWEEN:

M.Ramaiah. … Petitioner.

And

The State Election Commission,
Hyderabad
And others. … Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17469 OF 2006

ORDER:

Heard the counsel.

The writ petition is filed seeking a writ of mandamus declaring the action of the respondents in not conducting the elections properly and not allowing the petitioners herein or their agents to sit in the counting hall when the counting of the votes were in progress in the elections to the office of the Sarpanch and Ward Members of Karaballovolu Gram Panchayat, Ozili Mandal, Nellore District and not yielding to their request for recounting of votes as being arbitrary, illegal, unconstitutional and violative of the provisions of the A.P.Panchayat Raj Act 1994 and the Rules made thereundr and also contrary to the instructions and the guidelines issued by the State Election Commission and issue a consequential direction directing the respondents to conduct recounting of the votes polled for the office of Sarpanch and Ward Members of Karaballovolu gram Panchayat, Ozili Mandal, Nellore district in the presence of the petitioners herein and other contested candidates and thereafter declare the results of the elections and to pass such other suitable orders.

The writ petitioners had narrated several factual details in the affidavit filed in support of the writ petition in paras-2 to 11. On a perusal of the allegations, this Court is satisfied that these are all factual controversies which may have to be gone into by appropriate Election Tribunal. Hence, liberty is given to the petitioners to approach the appropriate Election Tribunal by way of Election Petition, if the

petitioners are so advised.

The writ petition is accordingly disposed of. No order as to costs.

_____

23.8.2006.

mdaa